

Guidelines:

Insignificant Activities

What Are Insignificant Activities?

Part 70 allows states to establish a list of “insignificant activities.” The items on this list, which is approved by EPA as part of the state’s title V program, generally do not need to be included in a source’s permit application. The purpose of designating insignificant activities is to provide sources some relief in the level of detail necessary in title V applications. If the activity is defined as insignificant based on size or production rate, it must still be listed in the application. Information must also be provided in the application if necessary to determine applicability or fees. **Insignificant activities are in no way exempt from part 70 permit requirements.**

Why Review Insignificant Activities?

There is a common misconception that applicable requirements applying to insignificant activities can be excluded from the title V permit. This misunderstanding is sometimes reflected in permit language that indicates that insignificant activities are not covered by the permit, or are exempt from permit content requirements such as compliance certification. While not generally the focus of review, this problem should be corrected so that the permit will assure compliance with *all* applicable requirements, not just those that apply to certain units.

Insignificant Activities are not discussed in title V of the CAA. Section 70.5(c), “Permit Applications,” states that “The Administrator may approve as part of a State program a list of insignificant activities and emissions levels which need not be included in permit applications...An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required...” Insignificant activities are also discussed in White Papers 1 and 2.

Tips for Permit Review

When reviewing a title V permit, make sure that

- the permit does not contain language that exempts insignificant activities from applicable requirements.
- permit conditions covering generally applicable SIP requirements and associated monitoring requirements are written broadly so that they apply to these activities.
- any emission caps taken under §70.4(b)(12) do not exclude emissions from insignificant activities.
- requirements such as prompt reporting of deviations, semi-annual reporting, and compliance certifications requirements, are not written in such a way as to exclude these activities.
- if the insignificant activities listed in the permit application are subject to applicable requirements, these requirements are included in the title V permit.

Tips for Permit Review

Issue/Example	Discussion	Correction
<p><u>Exemption from Permit:</u> Some title V permits may include a list of insignificant activities in a way that indicates that these activities are not subject to the title V permit. This sometimes happens when equipment that is “exempt” under a construction permit program is confused with “insignificant activities” under title V.</p> <p>Examples:</p> <p>Lists titled “Exempt Equipment List” or preceded by language such as “The following exempt equipment was identified by the applicant as an insignificant activity.”</p>	<p>While construction permits are not required for “exempt” equipment, title V permits are required to include all applicable requirements, including those that apply to insignificant activities.</p> <p>The full facility permit must cover, in addition to the units specifically covered by existing permits, all activities at the source that are subject to generally applicable requirements.</p>	<p>If, as is often the case, a list of insignificant activities is included in the permit, the language must clearly show that these activities are not exempt from the permit.</p> <p>Note that, while the units must be addressed in the permit, they do not necessarily require the same treatment in the permit as do units subject to unit-specific requirements. Because insignificant activities are usually at most subject to generally applicable requirements, such as opacity or nuisance provisions, the permit can handle the insignificant activities by writing the general permit conditions broadly so that the insignificant activities are captured, so long as the permit is clear that the general applicable requirements apply to all units at the facility, including those not specifically mentioned in the permit.</p> <p>(See White Paper Number 2 in Appendix A for more information on this subject.)</p> <p>Example/Correction:</p> <p>If insignificant activities are listed in the permit, remove any language that refers to the activities as “exempt,” or include language such as:</p> <p>“The equipment listed in this section is subject to all applicable requirements of the SIP.”</p>

Tips for Permit Review

Issue/Example	Discussion	Correction
<u>Exemption of insignificant activity emissions from applicability determinations and emission caps.</u>	<p>All emissions of a particular pollutant, including insignificant activities, count towards determining whether a source is major for that pollutant. Therefore, the permit language should not exclude any emissions from consideration or from the emission cap.</p> <p>In terms of determining major source status and compliance with the emission caps with respect to HAPs, all HAP emissions, including fugitive emissions and insignificant activities, must be counted.</p>	<p>For emission caps that keep the facility from being major for a regulated pollutant, the permit language must be reviewed to assure that there is adequate quantification of emissions for any units not specifically covered by the permit, and that the cap is written to include these emissions. If the permit does not require monthly calculation of emissions from insignificant activities, the emission cap must be set with an adequate buffer so that insignificant emissions which are not explicitly calculated under the permit can be assumed to still be, when added to the rest of the source's emissions, below the major source threshold.</p>

The following information appears in Appendix F:

- Insignificant Activities List
- Q&As on Portable Equipment